

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**In re Cablevision Consumer Litigation**

Case No. 10-cv-04992(JS)(AKT)

This Document Relates To:

ECF Case

All Actions

**DECLARATION OF CAROL S. SHAHMOON IN SUPPORT OF MOTION TO STRIKE TESTIMONY AND REPORT OF ELIZABETH LOSINKSI AND TO PRECLUDE DEFENDANTS FROM RELYING ON UNTIMELY DISCOVERY**

Carol S. Shahmoon, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am co-lead counsel for the plaintiffs in the above-captioned class action matter. I am admitted to the state and federal courts of New York. I submit this declaration in support of Plaintiffs' Motion to Strike Testimony and Report of Elizabeth Losinski and to Preclude Defendants From Relying On Untimely Discovery. Before filing this motion, plaintiffs raised it with defense counsel through an exchange of correspondence followed up by a call on August 6, 2014, but could not reach a mutually acceptable resolution.

2. Attached as Exhibit 1 is the Expert Report of Elizabeth Losinski, including exhibits A-L attached thereto, submitted on behalf of Defendants, dated July 18, 2014.

3. Attached as Exhibit 2 is the Terms of Service, Agreement for iO TV, that was submitted in support of Defendants' Motion to Dismiss the Consolidated Amended Complaint, dated March 18, 2011 [*Dkt. No. 34-4*].

4. Attached as Exhibit 3 is the transcript of the deposition testimony of Lee B. Schroeder, dated January 29, 2013.

5. Attached as Exhibit 4 is Defendants' Rule 26 Initial Disclosures, dated April 14, 2011.

6. Attached as Exhibit 5 is Defendants' First Supplemental Rule 26(a)(1) Disclosure Statement, dated July 18, 2014.

7. Attached as Exhibit 6 is Defendants' Responses and Objections to Plaintiffs' First Set of Interrogatories, dated September 2, 2009.

8. Attached as Exhibit 7 is Defendants' Responses and Objections to Plaintiffs' First Request for Production of Documents, dated as of September 2, 2009.

9. Attached as Exhibit 8 is Defendants' Responses and Objections to Plaintiffs' Second Set of Interrogatories, dated September 14, 2012.

10. Attached as Exhibit 9 is Defendants' Responses and Objections to Plaintiffs' Second Request for Production of Documents, dated September 14, 2012.

11. Attached as Exhibit 10 is Defendants' Responses and Objections to Plaintiffs' Third Set of Interrogatories and Accompanying Request for Production of Documents, dated March 7, 2013.

12. Attached as Exhibit 11 is excerpts from the deposition transcript of Thomas Montemagno, dated December 11, 2102.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on August 8, 2014

/s/ Carol S. Shahmoon  
Carol S. Shahmoon